

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 2185 - HB 2290

February 17, 2022

SUMMARY OF BILL: Creates the *Patient Right to an Advocate Act* (Act), which requires healthcare institutions to allow at least one advocate to be present with the patient at all times during the patient's stay, so long as the advocate is not exhibiting symptoms of a virus or communicable disease. Requires the healthcare institution to provide medical records and updates regarding the patient to the advocate if the patient is incapacitated or if the patient is able to make medical decisions and agrees in writing to the disclosure or update. States that if a healthcare institution fails to comply with the Act, the healthcare institution is subject to a cause of action by the patient, advocate, or patient's estate, and the entity responsible for licensing the institution must suspend the admission of new patients or residents.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- As defined in the proposed legislation, an advocate means an individual requested by the patient to assist in making healthcare decisions during the patient's time in the healthcare institution or the individual with the power of attorney over the patient's healthcare decisions if the patient is incapacitated.
- Allowing an advocate to be present and ensuring that they do not exhibit signs of a virus or communicable disease can be done within a healthcare institution's existing resources and personnel, and therefore does not create any fiscal impact.
- Any cause of action brought against the healthcare institution is assumed to be borne of a private party.
- Any increase in the number of cases in the court system is estimated to be not significant and can be handled within existing court resources.

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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